

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

**QUESTIONS TO RCN-BECOCOM, L.L.C.
D.T.E. 99-271
ANSWERS PROVIDED BY PATRICK MUSSEAU
ON AUGUST 3, 2000**

RCN Response to DTE Questions

1. [Checklist Item #3] See Supplemental Statement of Patrick Musseau:

- a) **p. 3: “....costs for make-ready work to correct clearance violations between the communications and safety space on these poles were not assessed to this licensee. These costs and more and [sic] are now being levied on RCN.”**

By allowing the placement of this cable on the less populated side of the pole (boxing), make ready work that is normally necessary to make available space on the populated side of the pole was not a consideration. Also by allowing the cable to be placed below existing CATV and CLEC facilities on certain poles, clearance violations between those facilities, including fire alarm, was not factored and corrected by this licensee at the time of their pole application surveys. RCN was the next applicant for space on the poles but the pole owners would not allow RCN to box poles and therefore work that should have been performed prior to RCN's applications for these poles is being assessed to RCN, instead of to the prior licensee.

- b) **p. 4: “By this time, RCN had documented several instances of make-ready work being unfairly assess to RCN. Then RCN received additional survey billing survey [sic] charges from Bell Atlantic in excess of the original survey estimates. These too, by RCN'S accounting, were inaccurate.”**

RCN had documented that Bell Atlantic “reserved space” on poles along one particular route in which the prior licensee had constructed network facilities. By reserving space, Bell Atlantic would not allow the lowering of communications facilities, even in instances where no BA facilities were attached to the particular pole. The only remaining option is to move electric facilities up on the poles, whose costs are twice that of a communications cable move, or replace the pole and transfer all existing facilities.

- c) **p. 4: “Then RCN received additional survey billing charges from Bell Atlantic in excess of the original survey estimates. These too, by RCN’S accounting, were inaccurate.”**

RCN kept track of the time it took to complete each license application. In every instance where RCN received an additional bill for survey time, the actual time to complete the survey was demonstrably less than the original estimate.

For example

RCN’s **QCY99002** pole application

Number of poles = **121**

Bell Atlantic Estimated survey time and costs to survey (B1) = **23.5 hours**
(\$3,247.28)

ACTUAL FIELD TIME TO SURVEY= **8 Hours**

Difference =**15.5 hours**

Billing Received for an additional **6 hours** for a total of **29.5 hours**

Total Difference of 21.5 hours

(Copies of this and other similar bills are attached)

- d) **p. 7: “..when in reality Bell Atlantic routinely ignores suggestions by licensees.”**

Licensees including RCN, MediaOne, Cablevision, Cox and AT&T Local Services have regularly attended the joint utility meetings held at Bell Atlantic providing input towards the creation of new aerial and underground license agreements. The CATV companies gathered independently and drafted proposals for “overlash, retrofits and rebuilds” (construction methods) and presented the drafts to Bell Atlantic. Bell Atlantic instead created a “final” draft that was presented to the licensees at a later meeting and unilaterally rejected the language of these drafts. The “final” draft included items not previously discussed by any of the parties.

- e) **p. 8: “Bell Atlantic changed the procedures for access into these locations which left RCN, and others, without a way to access Bell Atlantic’s '0' manholes.”**

On 2/9/00, RCN had completed the licensing of a conduit path into the Waltham Bell Atlantic Central Office (CO) to connect RCN’s network to Bell Atlantic’s for traffic “handoff”. The next step was to schedule a Bell Atlantic CWI (Contract Work Inspector) to supervise the connection to the BA Manhole from RCN’s conduit system. Upon filing the CWI Request form, RCN was notified that Bell Atlantic no longer allowed “foreign” conduit systems to penetrate manholes located directly outside Bell’s central offices which are commonly referred to as zero manholes and that additional conduit licensing was necessary. RCN had secured municipal permission and permits to place conduit to the zero manhole and was in negotiations with a property owner regarding the scheduling of the excavation. All of this activity was wasted.

- f) **p. 8: “RCN has to submit additional paperwork and was forced to bear thousands of dollars in additional costs to license conduit beyond our original scope of work.”**

RCN had to file new licensing paperwork, paying for a records search, manhole survey, rod/rope & slug and to pull innerduct for additional conduit in order to meet Bell's new policy. Seven months later, RCN has yet to receive the license for the additional conduit necessary to connect to the CO, and additionally has suffered tremendous financial losses as a result of Bell Atlantic's policy change.

- g) **p. 8: “RCN was prepared to provide payment for these leases recently but was informed that the results we received were inaccurate and that many sections were no longer available to rent.”**

On May 22, 2000 RCN received conduit availability results from a project located in various locations in Quincy. On July 12, RCN was prepared to pay for and select the conduit sections that were desired. Bell Atlantic provided new information indicating that two of the sections that originally indicated availability were now unavailable.